

E-FILED on 9/11/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EADGEAR, INC., dba
WWW.EADGEAR.COM,

Plaintiff,

v.

LEWIS LIU, aka WEI LIU et al.,

Defendants.

No. C-11-05398 RMW (JCS)

ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING IN
PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

[Re Docket Nos. 14, 22]

Plaintiff moves for default judgment. Magistrate Judge Spero held a hearing on the motion on June 15, 2012. Plaintiff's counsel failed to appear. On June 22, 2012, Judge Spero issued a report and recommendation granting the motion for default judgment against only defendant Lewis Liu on plaintiff's claims for: (1) false designation of origin under 15 U.S.C. § 1125(a) and (2) cyberpiracy under 15 U.S.C. § 1125(d). Judge Spero recommended granting \$100,000 in statutory damages under 15 U.S.C. § 1125(d) and granting plaintiff's request for \$595 costs, but denying plaintiff's requests for attorneys' fees and lost profits. Judge Spero also modified plaintiff's requested injunction as laid out in his order.

ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT—No. C-11-05398 RMW (JCS)

1 Having reviewed the Magistrate Judge's report and there being no objections filed, the court
2 adopts the report and recommendation in full. The motion for default judgment is granted in part
3 and denied in part as described therein.

4
5 DATED: 9/11/12


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California